

February 19, 1975

SENATOR DeCAMP: Mr. President, now I move that the amendment the Clerk now has up there be put to LB 77 and, very briefly, LB 77 was introduced by Senator Goodrich. It had, as its purpose, to correct or clean up the original obscenity bill passed last year. The bill, as he had it written, would have created certain problems which Mr. Lucchino, which the Attorney General, which I and I think, Senator Luedtke, and all people who have studied it now feel that if the original bill would have been adopted would have created serious problems. The amendment corrects these and still serves the purpose, in that, it cleans up the original bill. In the original bill, it would have changed the tests for what constitutes obscenity and there is a question as to whether you could change it to the degree that was desired. I move for the adoption of the amendment and, if there is any further explanation, I would be happy to try to give it.

SPEAKER: The chair recognizes Senator Goodrich.

SENATOR GOODRICH: Just a little better explanation of it. What it boils down to is, in the bill that I introduced, we're striking those eight words out of the definition section of the bill or the statutes on pornography. What this amendment is doing is saving those eight words but putting them over in the jury instruction. That's what the amendment that is being, that we are asking you to adopt is, is picking up the section of the statutes on jury instructions and amending that to include these eight words over there. So, literally, what we are doing is, we are taking the eight words that original LB 77 is striking and we're putting those over in the jury instruction section of the statutes, to literally save those eight words. This I feel, frankly, would have been done by judges rendering decisions on pornography cases, but if they want to put these eight words in the definition section..excuse me, in the jury section, jury instruction section, that's OK by me and I would encourage the adoption of this amendment.

SPEAKER: The chair recognizes Senator Barnett.

SENATOR BARNETT: Just a question of the Chair, Senator DeCamp, or somebody, is this amendment printed somewhere? Where is it?

SPEAKER: Senator DeCamp, do you yield?

SENATOR DeCAMP. Yes. Yes, the amendment was turned over to the Clerk yesterday. I don't recall whether it was printed in the Journal or not, was it?

CLERK: No, it was not.

SENATOR DeCAMP: We can have it printed and delay it over a day.

SENATOR BARNETT: Right.

SENATOR DeCAMP: That's fine by me. It doesn't matter.

SPEAKER: So ordered. Senator Dworak.

SENATOR DWORAK: Mr. President, I move the adoption of the Enrollment and Review amendments to LB 126.

SPEAKER: Motion has been made and seconded for the adoption